

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

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| IN RE VALSARTAN, LOSARTAN, AND IRBESARTAN PRODUCTS LIABILITY LITIGATION | MDL No. 2875 HON. ROBERT B. KUGLER MDL NO. 19-2875 (RBK) |
| THIS DOCUMENT RELATES TO ALL CASES | |

**PLAINTIFFS' NOTICE OF MOTION
FOR PARTIAL SUMMARY JUDGMENT**

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PLEASE TAKE NOTICE that pursuant to the Court's December 21, 2023
order ([ECF 2557](#)), Plaintiffs shall move before the Honorable Robert B. Kugler,

U.S.D.J., and the Honorable Thomas I. Vanaskie, Special Master, at the United States District Court for the District of New Jersey, 1 John F. Jerry Plaza, 4th and Cooper Streets, Camden, New Jersey, for an Order granting partial summary judgment on the following:

1. ZHP, Teva, and Torrent made express warranties that the valsartan API and finished dose they sold was the FDA approved formulation, manufactured in compliance with cGMPs, and compliant with all compendial requirements.
2. ZHP, Teva, and Torrent breached those express warranties because the valsartan API and finished dose they sold contained the genotoxic, probable human carcinogens NDMA and NDEA, was not the FDA approved formulation, was not manufactured in compliance with cGMPs, was not compliant with all compendial requirements, and was thus adulterated and presented an “unacceptable carcinogenic risk.”
3. But for the warranties, the adulterated valsartan API and finished dose, presenting an “unacceptable carcinogenic risk,” could not have been sold, or purchased by the TPPs.
4. The remaining issue on breach of express warranty for trial is the amount of damages sustained by the TPPs.
5. ZHP, Teva, and Torrent violated the liability provisions of the applicable consumer protection laws due to their deceptive/unfair conduct.
6. But for the deceptive/unfair conduct of ZHP, Teva, and Torrent, the adulterated valsartan API and finished dose, presenting an “unacceptable carcinogenic risk,” could not have been sold, or purchased by the TPPs.
7. The remaining issue on the consumer protection laws for trial is the amount of damages sustained by the TPPs.

8. ZHP is liable for fraud.

9. Torrent is liable for fraud.

PLEASE TAKE FURTHER NOTICE that Plaintiffs shall rely upon the three Briefs, three Statements of Undisputed Material Facts, and the three Certifications of Adam M. Slater, Daniel Nigh, and David Stanoch in Support of the Motion, filed herewith.

PLEASE TAKE FURTHER NOTICE that Plaintiffs request oral argument pursuant to L. Civ. R. 78.1.

MAZIE SLATER KATZ & FREEMAN, LLC
Attorneys for Plaintiffs

By: /s/ Adam M. Slater

Dated: December 22, 2023

CERTIFICATE OF SERVICE

I hereby certify that on December 22, 2023, I electronically filed partially redacted versions of the three Briefs, three Statements of Undisputed Material Facts, and the three Certifications of Adam M. Slater, Daniel Nigh, and David Stanoch in Support of the Motion with the Clerk of the Court using CM/ECF system which will send notification of such filing to the CM/ECF participants registered to receive service in this MDL. In addition, I hereby certify that unredacted copies of foregoing documents, excluding the numerous exhibits, will be served contemporaneous to filing via email on the Court, Special Master, and Jessica Davidson at Jessica.Davidson@skadden.com, Lori Cohen at CohenL@gtlaw.com, and Jay Lefkowitz at lefkowitz@kirkland.com. The exhibits will be sent via FedEx to the Court via a thumb drive, and emailed to the Special Master and Jessica Davidson at Jessica.Davidson@skadden.com, Lori Cohen at CohenL@gtlaw.com, and Jay Lefkowitz at lefkowitz@kirkland.com using a Dropbox link.

MAZIE SLATER KATZ & FREEMAN, LLC
Attorneys for Plaintiffs

By: /s/ Adam M. Slater

Dated: December 22, 2023